

Docket No.: 60542(49811)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:
Masahito Watanabe et al.

OCT 30 2006

Application No.: 10/749,806

Confirmation No.: 6518

Filed: December 31, 2003

Art Unit: 1626

For: PROCESS FOR PRODUCING OPTICALLY
ACTIVE COMPOUND

Examiner: R. T. Shiao

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed August 28, 2006, Applicant hereby provisionally elects with traverse Group I, claims 1-9 for continued examination. Applicants submit that no unreasonable burden is incurred by search of the claimed subject matter with alternate scope of products than those delineated in Groups I-III. In order to fully respond to the requirement, Applicants also elect the following species:

Compound (A): cyclopentanone (i.e., R² is hydrogen and R¹ and R³ taken together form dimethylene);

Compound (B): dimethyl malonate (i.e., R⁴ is hydrogen, R⁵ and R⁶ are methyl, X and Y are oxygen, and m and n are 1);

Compound (C): (R)-3-[bis(methoxycarbonyl)methyl]cyclopentanone (i.e., R² is hydrogen, R¹ and R³ taken together form dimethylene, R⁴ is hydrogen, R⁵ and R⁶ are methyl, X and Y are oxygen, and m and n are 1);

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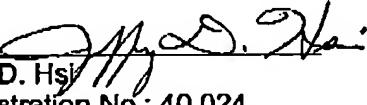
Compound (D): N-methanesulfonyl-1,2-diphenylethylenediamine (i.e., R⁷ and R⁸ are phenyl, R⁹ is hydrogen, and R¹⁰ is methanesulfonyl).

Applicants also note that in Group II, the delineated variables are inconsistent between those listed in Formulae (A) and (B) and Formula (C), and traverse on that ground as well.

The Director is hereby authorized to charge any credits or deficiency in the fees filed (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 60542(49811).

Dated: 30 October 2006

Respectfully submitted,

By 
Jeffrey D. Hsi
Registration No.: 40,024
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444
Attorneys/Agents For Applicant